

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, September 25, 2012

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members Larry Balow, David Duax, Catherine Emmanuelle, Kerry Kincaid, Kathy Mitchell, Mark Olson, Jackie Pavelski, Bob Von Haden, Thomas Vue, and Andrew Werthmann. Absent: Council Member David Klinkhammer.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, September 25, 2012. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Vue "to adopt the consent resolution". Said motion passed by unanimous vote.

PROCLAMATIONS

Council President Kincaid, on behalf of the City Council, proclaimed the month of September as Chippewa Valley Technical College Centennial – A Century of Proven Education.

Council President Kincaid, on behalf of the City Council, proclaimed the week of October 7 - 13 as Fire Prevention Week.

LIQUOR LICENSE

The City Council considered a resolution granting a Regular Combination Class B Intoxicating Liquor & Fermented Malt Beverage license to:

- Eau Zone, Inc., d/b/a Action City, 2402 Lorch Avenue, Thomas Hahn, agent.
(currently holds a Class B Fermented Malt Beverage (beer) and a Class C Wine license)

or

- From the Vine, LLC, d/b/a From the Vine Wine Room, 2526 Golf Road, Kathy Nuenke, agent.
(currently holds a *Reserve* Combination Class B Intoxicating Liquor & Fermented Malt Beverage license)

The City has one regular Combination Class B license available and received two applications for the license. Assistant City Attorney McGee presented information from the License Review Committee meeting. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Olson "to grant the available license to Eau Zone, Inc., d/b/a Action City, 2402 Lorch Avenue, Thomas Hahn, agent". Said motion passed by the following vote: Aye: Council Members Balow, Kincaid, Mitchell, Olson, Pavelski, Von Haden and Vue. Nay: Council Members Duax, Emmanuelle, and Werthmann.

FOREST STREET PARK PAVILION

The Council considered a resolution accepting donations for a pavilion to be constructed in Forest Street Park, approving a construction contract, and authorizing an appropriation for the project. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

AGREEMENT – EC TRANSIT & CENTER FOR INDEPENDENT LIVING

The City Council considered a resolution approving an agreement between Eau Claire Transit and the Center for Independent Living for Western Wisconsin, Inc. (CILWW). Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Mitchell “to adopt said resolution”. Said motion passed by unanimous vote.

AGREEMENT – CITY & CHIPPEWA VALLEY TECHNICAL COLLEGE

The Council considered a resolution authorizing the City Manager to enter into a cooperative agreement with Chippewa Valley Technical College to construct a roadway and multi-purpose pathway from Lyden Avenue to Preston Road. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “to adopt said resolution”. Said motion passed by unanimous vote.

DEVELOPMENT AGREEMENT – MUSKIE PROPPANT

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Muskie Proppant, LLC for railroad spur extension and roadway improvements. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Balow “to adopt said resolution”. Therefore a motion was offered by Council Member Pavelski and seconded by Council Member Duax “to postpone consideration of said resolution until the next Council Legislative meeting”. Said motion to postpone failed by the following vote: Aye: Council Members Duax, Emmanuelle, Pavelski and Werthmann. Nay: Council Members Balow, Kincaid, Mitchell, Olson, Von Haden and Vue. The Council again took up the original motion to approve the development agreement. Because the resolution included an appropriation and budget amendment, an affirmative vote by $\frac{2}{3}$ of the elected members, or eight affirmative votes, was required for adoption. Said motion failed on the following 7 to 3 vote: Aye: Council Members Balow, Emmanuelle, Kincaid, Mitchell, Olson, Von Haden and Vue. Nay: Council Members Duax, Pavelski and Werthmann.

Council Member Werthmann left the Council Chamber.

SIDEWALK, CURB & GUTTER REPAIR

The City Council considered a resolution ordering the repair of sidewalk and curb and gutter according to State Statute 66.0907 at 14 locations beginning with 421 Franklin Street, Parcel No. 01-0274. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Werthmann returned to the Council Chamber.

CONFLUENCE PROJECT

The Council considered a resolution encouraging the University of Wisconsin Board of Regents to Advance Enumerate ‘*The Confluence*’ project located in Downtown Eau Claire. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to adopt said resolution”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to amend the resolution by adding a sixth bullet point to the Be It Further Resolved paragraph, to read as follows: ‘Determination of the current “*National Register of Historic Spaces*” status of each property located on the west side of the first block of South Barstow Street between the Eau Claire River and Eau Claire Street that is proposed for either demolition or incorporation into this project; and establishment of an agreement between the developer, the State of Wisconsin/University of Wisconsin System, and the City of Eau Claire to resolve any *National Register of Historic Places* issues’.” Following Council discussion, the mover and seconder removed the second section of the motion (establishment of an agreement) from the motion to amend. The Council then voted on the abbreviated motion to amend. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Olson, Pavelski, Von Haden, and Werthmann. Nay: Council Members Emmanuelle, Kincaid, Mitchell and Vue. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Balow “to amend the resolution by adding a seventh bullet point to the Be It Further Resolved paragraph to read as follows: ‘Because the Confluence project impacts the shore line of our two major rivers and a historic district, the developer shall present details of the proposed project to the Waterways and Parks Commission and the Landmark Commission and require both commissions to prepare a report with their recommendation to the Council’.” Said motion to amend failed by the following vote: Aye: Council Members Balow, Pavelski and Von Haden. Nay: Council Members Duax, Emmanuelle, Kincaid, Mitchell, Olson, Vue and Werthmann. The Council then voted on the resolution as amended. The resolution was approved by unanimous vote.

APPOINTMENTS

The City Council considered a resolution appointing Council Members to various Boards, Committees and Commissions. There were two vacancies (Economic Policy Advisory Committee and the Putnam Parks Commission) created by the resignation of former Council Member Wachs. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Balow “to insert Council Member Emmanuelle’s name in the resolution to fill the vacancies on the Economic Policy Advisory Committee and the Putnam Parks Commission”. Said motion passed by unanimous vote.

ZONING CODE – BICYCLE PARKING STANDARDS

The City Council considered an ordinance amending the Zoning Code to provide standards for bicycle parking. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Pavelski “to adopt said ordinance”. Thereupon a motion was offered by Council Member Olson “to amend said ordinance by eliminating Section 18.25.031 – paragraph

9 and replacing it with a new paragraph 9 to read as follows: ‘The commission can reduce or eliminate the required bicycle parking spaces.’”. Said motion to amend failed for lack of a second. The Council returned to the original motion to adopt the ordinance. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Emmanuelle, Kincaid, Mitchell, Pavelski, Von Haden, Vue and Werthmann. Nay: Council Member Olson.

ANNEXATION

The Council had first reading on an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 15th Assessment Ward, 3rd Aldermanic District, that part of Lot 19 of First Assessor’s Plat to the Town of Washington, except that lands for highway purposes, all located in the SW¹/₄ -NW ¹/₄ of Section 32-27-9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 12-5A (Marx petition, 512 Grover Road).

ADJOURNMENT

A motion was offered by Council Member Emmanuelle and seconded by Council Member Balow “that this meeting does now adjourn.” Said motion passed without objection.

Adjournment: September 25, 2012

Time: 6:45 p.m.

ATTEST:

Kerry J. S. Kincaid, President

Donna A. Austad, City Clerk